

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL KLEEBERG, LISA STEIN, and
AUDREY HAYS,

Plaintiffs,

v.

LESTER EBER; ALEXBAY, LLC f/k/a
LESTER EBER, LLC; CANANDAIGUA
NATIONAL CORPORATION d/b/a
CANANDAIGUA NATIONAL BANK &
TRUST; ESTATE OF ELLIOTT W.
GUMAER, JR.; EBER BROS. & CO.,
INC.; EBER BROS. WINE AND LIQUOR
CORPORATION; EBER BROS. WINE &
LIQUOR METRO, INC.; EBER-
CONNECTICUT, LLC; and WENDY
EBER,

Defendants.

Civil Action No. 16-CV-9517(LAK)

**DECLARATION OF BRIAN C. BROOK IN FURTHER SUPPORT OF PLAINTIFFS'
SECOND MOTION TO COMPEL THE EBER DEFENDANTS TO PROVIDE
DISCOVERY IMPROPERLY WITHHELD ON PRIVILEGE GROUNDS**

1. I, Brian C. Brook, am an attorney licensed to practice law in the State of New York and in this Court, among other jurisdictions, am a partner in the law firm of Clinton Brook & Peed, and have been counsel of record for the Plaintiffs in the above-captioned case since its initial filing in December 2016.

2. I submit this declaration and the exhibits attached hereto in further support of Plaintiff's Second Motion to Compel the Eber Defendants to Provide Discovery Improperly Withheld on Privilege Grounds.

3. Attached as Exhibit S is a redacted copy of the Last Will and Testament of Allen Eber, the document which created the Allen Eber Trust. The portions redacted have nothing to do with the issues in this litigation.

4. Attached as Exhibit T is a redacted excerpt of the General Ledger for Eber Bros. Wine and Liquor Corp. that was produced by the Ebers by email on this same date.

5. Attached as Exhibit U is a redacted copy of the accounts payable balances for Eber Bros. Wine and Liquor Corp. as of May 31, 2012.

6. Attached as Exhibit V is an email exchange between Wendy Eber and one of the outside accountants who managed the books for Eber Bros. Wine and Liquor Corp. and Eber Bros. Wine & Liquor Metro, Inc.

7. Attached as Exhibit W is a printout of Glenn Sturm's LinkedIn profile, showing that he was a partner at Nelson Mullins since 1992.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: November 13, 2018

/s Brian C. Brook
Brian C. Brook